

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION

Case No. 2:21-CV-00045-M

MORGAN ZACHARY FITZPATRICK,

Plaintiff,

v.

FRANK J. BISIGNANO

Commissioner of Social Security,

Defendant.

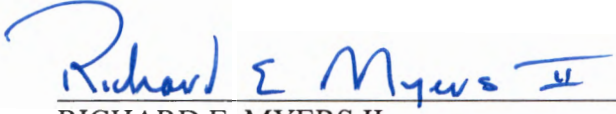
ORDER

This matter comes before the court on Plaintiff's Motion for Attorney Fees Under § 406(b) of the Social Security Act. [DE 35]. The court finds, in accordance with the Supreme Court's decision in *Gisbrecht v. Barnhart*, that the contingency fee sought by Plaintiff's counsel is reasonable in light of the time spent on this matter and the results achieved. 535 U.S.C. 789, 808 (2002). Further, "[t]here is no evidence of delay tactics employed by counsel causing the accumulation of past due benefits" and Plaintiff's filings are "well-supported, evidencing thorough research and application of law to the particular facts of Plaintiff's claim, rather than boilerplate recitations, and resulted in a remand order." *Honeycutt v. Kijakazi*, No. 5:20-CV-438-RJ, 2023 WL 8655265, at *2 (E.D.N.C. Dec. 14, 2023); *see also* [DE 28].

For these reasons, pursuant to § 406(b)(1), Plaintiff's motion is GRANTED, and the court AWARDS Plaintiff's counsel, Branch W. Vincent, III, attorney's fees in the amount of \$22,856.50, which represents 25% of Plaintiff's past due benefits. This amount shall be withheld from Plaintiff's past due benefits pursuant to § 406(b) of the Social Security Act and paid directly to Mr. Vincent. Upon receipt of the § 406(b) fee award, Mr. Vincent shall reimburse to Plaintiff

any fees he previously received under the Equal Access to Justice Act, 28 U.S.C. § 2412.

SO ORDERED this 19th day of June, 2025.



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE